

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bayard S. Webb et al.
Appl. No.: 09/688,441
Filed: October 16, 2000
Title: GAMING DEVICE HAVING A MULTI-ROUND BONUS SCHEME
WHEREIN EACH ROUND HAS A PROBABILITY OF SUCCESS
Art Unit: 3714
Examiner: William H. McCulloch, Jr.
Docket No.: 112300-141

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(b)**

Sir:

This Request for Reconsideration is being filed in response to the Determination of Patent Term Adjustment which was mailed with the Notice of Allowance on December 17, 2007. Applicants have reviewed the PTA set forth (386 days) by the Patent Office and respectfully request that this determination be reconsidered for the reasons set forth below.

The Patent Office determined that a 220 day adjustment should be made based on the USPTO delay in mailing an Office Action or Notice of Allowance within fourteen months of the filing of the application. The first Office Action was mailed on July 24, 2002 which is 220 days past the 14 month date. Therefore, 220 days were added to the patent term. Applicants agree with this determination.

The Patent Office determined that a 57 day adjustment should be made based on the Applicants' delay in responding to the Office Action mailed July 24, 2002. Applicants responded to the Office Action on December 20, 2002 which is 57 days past the October 24, 2002 due date. Therefore, 57 days were subtracted from the patent term. Applicants agree with this determination.

Applicants responded to the Office Action mailed on April 7, 2003, on August 12, 2003. According to PTA rules, applicants had until April 7, 2003 to respond without loss of PTA. Applicants responded after that time period. The Patent Office did not determine there to be any loss of patent term. Applicants do not agree with this determination.

According to 1.704 Section B of the MPEP; applicants need to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request measuring such three-month period from the date the notice or action was mailed or given to the applicant. Because Applicants delayed their Response, an additional 36 days should be subtracted from the patent term.

The Patent Office determined that a 31 day adjustment should be made based on the Applicants' delay in responding to the Office Action mailed March 18, 2004. Applicants responded to the Office Action on July 19, 2004 which is 31 days past the June 18, 2004 due date. Therefore, 31 days were subtracted from the patent term. Applicants agree with this determination.

The Patent Office determined that a 25 day adjustment should be made based on the Applicants' delay in responding to the Office Action mailed September 30, 2004. Applicants responded to the Office Action on January 24, 2005 which is 25 days past the December 30, 2004 due date. Therefore, 25 days were subtracted from the patent term. Applicants agree with this determination.

The Patent Office determined that an 275 day adjustment should be made based on the USPTO delay in taking further action within four (4) months after receipt of Applicants' Response on January 24, 2005. The USPTO took further action by mailing a Final Rejection on February 23, 2006. Therefore, 275 days were added to the patent term. Applicants agree with this determination.

According to the above PTA rules, Applicants had three months from the mailing of the Final Rejection in which to respond without a loss of PTA. Accordingly, Applicants did not meet the three month deadline of July 7, 2003. Therefore, request is being made that 36 days be subtracted from the patent term adjustment and that the total adjustment for such PTO and Applicant delays, should be 350 instead of 386 days.

This Request includes the amount of \$200.00 to cover the fee set forth in § 1.18(e) to be charged to our Deposit Account, 02-1818. To the extent that any additional fees are due and owing, the Commissioner is hereby authorized to charge them to our Deposit Account, 02-1818.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 

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Date: January 11, 2008